

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

2005 MAY 11 P 12:21  
Docket No.: 04-12654 RGS

U.S. DISTRICT COURT  
DISTRICT OF MASS.

FRED T. VANDAM, )  
Plaintiff, )  
vs. )  
DAVID M. MCSWEENEY, )  
TRUSTEE OF MCREALTY TRUST, )  
ROCKLAND LEASE FUNDING CORP., )  
UNITED STATES OF AMERICA, AND )  
GENERAL ELECTRIC COMMERCIAL )  
EQUIPMENT FINANCING, a division of )  
GENERAL ELECTRIC CAPITAL CORP. )  
Defendants. )

**JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1**

Pursuant to Federal Rule of Civil Procedure 26(f), United States District Court Local Rule 16.1, and the Court's Order of April 4, 2005, the parties propose the following joint statement:

## I. PROPOSED JOINT DISCOVERY PLAN

A. PHASE I: For developing information needed for a realistic assessment of the case.

1. Initial disclosures shall be exchanged, in accordance with Federal Rule of Civil Procedure 26(f), on or by May 31, 2005.
  2. Interrogatories and Request for Production of Documents shall be served by June 30, 2005. Responses to the Document Request shall be served by July 31, 2005. Answers to Interrogatories shall be served by August 31, 2005.

3. Witness/factual depositions will be conducted by November 30, 2005.

B. PHASE II: For developing information needed to prepare for trial.

1. Expert Discovery

A. The parties rule 26 disclosure of expert witnesses within 30 days after the completion of factual discovery – November 30, 2005.

B. Depositions of experts will be completed within 45 days after service of the Rule 26 disclosure of expert witness.

2. Request for Admissions shall be served by September 30, 2005.

## II. PROPOSED MOTION FILING SCHEDULE

A. Motions under Rule 12, 19, and 20 shall be served by November 30, 2005.

B. Motions under Rule 56, must be served by January 31, 2006.

C. Final Pre-Trial Conference on Order of the Court.

## III. CONSENT TO TRIAL BY MAGISTRATE JUDGE

The parties, at this time, do not consent to the trial of this matter by a Magistrate Judge, but may reconsider their positions at a later date.

## IV. CERTIFICATIONS

Counsel for the parties understand their obligations to and are in the process of obtaining signed certificates affirming that each party and each party's counsel have conferred with a view of establishing a budget for costs of conducting the litigation and to consider alternative methods of dispute resolution. Counsel will file those certificates with the Court at the Scheduling Conference on May 17, 2005.

Respectfully submitted,

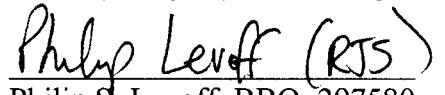
The Plaintiff,  
**FRED VAN DAM**

By his attorneys,  
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Defendant,  
**ROCKLAND LEASE FUNDING CORP.**

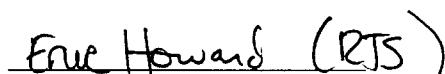
By its attorneys,  
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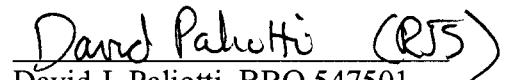
Defendant,  
**GENERAL ELECTRIC COMMERCIAL EQUIPMENT FINANCING**

By its attorneys,  
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(508) 626-9000  
[321076]

Defendant,  
**DAVID M. MCSWEENEY, as Trustee of MC REALTY TRUST**  
By his attorneys,  
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Defendant,  
**UNITED STATES OF AMERICA**

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